**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

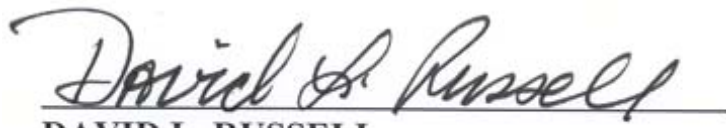|		
PEDRO MARTINEZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	**CIV-06-1011-R**
	)	
OKLAHOMA DEPARTMENT OF	)	
CORRECTIONS, et al.,	)	
	)	
Respondents.	)	

O R D E R

Before the Court are the Report and Recommendation of United States Magistrate Judge Valerie K. Couch entered December 29, 2006 [Doc. No. 20] and "Petitioner's Responce [sic] to Respondent's [sic] Report and Recommendation filed January 17, 2007 [Doc. No. 21]," which the Court treats as an Objection to the Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Court has reviewed the Report and Recommendation in light of Petitioner's Objection.

Petitioner made all of the arguments to the Magistrate Judge, in his petition, that he makes in his "Responce," i.e., Objection filed January 17, 2007. Nevertheless, the Court has carefully reviewed and considered "Petitioner's Responce [sic] to Respondent's [sic] Report and Recommendation [Doc. No. 21]," i.e., Objection. However, the Court fully concurs in the findings and conclusions of the Magistrate Judge. To the extent Petitioner is arguing that he was denied due process at the disciplinary hearing or by postponement of the disciplinary hearing because he was unable to present the "Certificate of Discharge Paper" at the hearing

inasmuch as Law Library Supervisor Mrs. Paula Bethea had confiscated this exhibit, *see* "Petitioner's Responce [sic] to Respondent's [sic] Report and Recommendation" at p. 10, Petitioner previously alleged in his pleading captioned "Please Take Judicial Notice" [Doc. No. 19], that this occurred on October 23, 2006, years after the hearing on the disciplinary misconduct which is the subject of this 28 U.S.C. § 2241 petition.

In accordance with the foregoing, the Report and Recommendation of the Magistrate Judge is ADOPTED in its entirety and the petition for a writ of habeas corpus [Doc. No. 1] herein is DENIED.

It is so ordered this 23rd day of January, 2007.

DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE